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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,626	08/19/2003	Cristian Mititelu	3445-Z	3799
7590 Law Office of Jim Zegeer Suite 108 801 North Pitt Street Alexandria, VA 22314				
EXAMINER				
HAMZA, FARUK				
ART UNIT		PAPER NUMBER		
2155				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,626

Applicant(s)

MITITELU, CRISTIAN

Examiner

FARUK HAMZA

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to the amendment filed on June 20, 2008. Claims 1-3, 5, 9-11 and 13-16 have been amended. Claims 4 and 12 have been canceled. Claims 17 and 18 have been newly added. Claims 1-3, 5-11 and 13-18 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly added negative limitation "VLAN is not an existing VLAN" and "comparing the requested VLAN ID with VLAN IDs in a list of VLAN configurations" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining

figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's specification failed to provide enough description for the newly added negative limitation "VLAN is not an existing VLAN" and "comparing the requested VLAN ID with VLAN IDs in a list of VLAN configurations" so an ordinary skill in the art could comprehend the subject matter of the invention.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the set" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA), and further in view of Zabihi et al. (U.S. Pub. No. 2004/0042454) hereinafter referred as Zabhihi.

As to claim 1, AAPA teaches a method of providing configuration information for a bridged virtual local area network (VLAN) within a communication network, comprising the steps of:

receiving from the operator an identification of a node and of a physical port (P[0003-0005]);

receiving a validated VLAN configuration (P[0003-0005]); and

transmitting the validated VLAN configuration to the node (P[0003-0005]).

AAPA does not explicitly teach the claimed limitation of validating VLAN ID and using Graphical User Interface (GUI) to provide configuration information.

However, Zabihi teaches the claimed limitation of validating VLAN ID (P[0061],[0065]) and using Graphical User Interface (GUI) to provide configuration information (Fig. 3, P[0072-0073]).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the teaching of AAPA by adding functionality for validating VLAN ID and using Graphical User Interface (GUI) to provide configuration information, which would provide high level mechanisms by way of which the networking of devices disposed within an automated environment can be implemented in a repeatable and well-documented manner and which permits system operation to obtain. One would be motivated to such to make the system more users friendly.

As to claim 2, AAPA teaches the method of claim 1 wherein the step of receiving a validated VLAN configuration comprises receiving an identification of at least one virtual port belonging to a member set of the VLAN (P [0003]).

AAPA does not explicitly teach the claimed limitation of using Graphical User Interface (GUI) to provide configuration information.

However, Zabihi teaches the claimed limitation of using Graphical User Interface (GUI) to provide configuration information (Fig. 3, P[0072-0073]).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the teaching of AAPA by adding functionality for validating VLAN ID and using Graphical User Interface (GUI) to provide configuration information, which would provide high level mechanisms by way of which the networking of devices disposed within an automated environment can be implemented in a repeatable and well-documented manner and which permits system operation to obtain. One would be motivated to such to make the system more users friendly.

As to claim 3, AAPA teaches the method of claim 2 wherein the step of receiving a validated VLAN configuration further comprises the steps of:

receiving an identification of zero or more virtual ports belonging to a forbidden set of the VLAN (P [0003, 0004]);

receiving an identification of zero or more virtual ports belonging to an untagged set of the VLAN (P [0003, 0004]); and

ensuring that the member set and the forbidden set have no virtual ports in common (P [0003, 0004]).

AAPA does not explicitly teach the claimed limitation of using Graphical User Interface (GUI) to provide configuration information.

However, Zabihi teaches the claimed limitation of using Graphical User Interface (GUI) to provide configuration information (Fig. 3, P[0072-0073]).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the teaching of AAPA by adding functionality for validating

VLAN ID and using Graphical User Interface (GUI) to provide configuration information, which would provide high level mechanisms by way of which the networking of devices disposed within an automated environment can be implemented in a repeatable and well-documented manner and which permits system operation to obtain. One would be motivated to such to make the system more users friendly.

As to claim 5, AAPA teaches the method of claim 1 further comprising the steps of:

determining from the existing configuration information a number of VLANs currently configured on the physical port (P [0003, 0004]); and

ensuring that configuration of the bridged VLAN on the physical port would not violate a maximum limit of VLANs on the physical port (P [0003, 0004]).

As to claim 6, Hsieh teaches the method of claim 1 comprising the further step of storing the valid configuration information at a network management system (P[0010]).

As to claim 7, AAPA teaches the method of claim 1 wherein the node is an Asynchronous Transfer Mode node (P [0002]).

As to claim 8, AAPA teaches the method of claim 1 wherein the bridged VLAN is in conformance with the 802.1q VLAN standard (P [0002]).

Claims 9-11 and 13-16 do not teach or define any new limitations other than above claims 1-3 and 5-8. Therefore, 9-11 and 13-16 are rejected for similar reasons.

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) and Zabihi and further in view of Ambe (U.S. Patent Number 6,873,602) hereinafter referred as Ambe.

As to claim 17, AAPA and Zabihi teach the method of claim 1.

AAPA and Zabihi do not teach the claim limitation of querying the node for the list of VLAN configurations which are currently configured on the node and storing the list.

However, Ambe teaches the claim limitation of querying the node for the list of VLAN configurations which are currently configured on the node and storing the list (see abstract).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the teaching of AAPA and Zabihi by adding functionality for querying the node for the list of VLAN configurations which are currently configured on the node and storing the list, which would eliminates the need for changing VLAN definitions even if a member terminal is relocated, added or removed. One would be motivated to do such to enhance systems efficiency.

Claim 18 does not teach or define any new limitation other than above claim 17. Therefore, claim 18 is rejected for similar reasons.

7. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim,

other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Marimuthu (U.S. Patent Number 5,878,232) discloses dynamic reconfiguration of network device's virtual lans using the roof identifier.
 - Fine et al. (U.S. Patent Number 6,188,694) discloses shared spanning tree protocol.
 - Berlovitch et al. (U.S. Patent Number 6,061,334) discloses method for assigning virtual lans to switch network.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Art Unit: 2155

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